

EXHIBIT

A

COURTNEIGH BECKHAM,

Plaintiff,

v.

DAYTON FREIGHT LINES, INC,

Defendant.

Docket Number: 22922

JURY DEMAND

SUMMONS

TO:

DAYTON FREIGHT LINES, INC.CT CORPORATION SYSTEMS300 Montvue RoadKnoxville, TN 37919

Name

Address

You are hereby summoned to answer and make defense to a bill of complaint which has been filed in the Hamilton County, Circuit Court in the above styled case. Your defense to this complaint must be filed in the office of the Clerk of the Circuit Court, on or before thirty (30) days after service of this summons upon you. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint.

WITNESSED and Issues this 17 day of May,
20 22

Marion County Circuit Court 1 Courthouse Square PO BOX 789 Jasper, TN 37347	Circuit Court Clerk By <u>Kelli Morrow</u> Deputy Circuit Court Clerk
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Attorneys for Plaintiff

Wettermark & Keith, LLC
1232 Premier Drive, Suite 325
Chattanooga TN 37421

Plaintiff's Address

Care of Attorney

Received this _____ day of _____, 20 _____

/S/ _____
Deputy Sheriff

State of Tennessee,
County of Marion

I, _____, Clerk of the Circuit Court, in and for the State and County aforesaid, herby certify that the within and foregoing is a true and correct copy of the original writ of summons issues in this case.

Circuit Court Clerk

By: _____ D.C.

OFFICER'S RETURN

Darlon French
C/O CT WRP

I certify that I served this summons together with the complaint as follows:

☐ On, MAY 23 2022, 20_____, I delivered a copy of the summons and complaint to the defendant,

☐ Failed to serve this summons within 90 days after issuance because:

RHONDAE STEELE
400 MAIN AVE.
KNOXVILLE, TN 37902

Deputy Sheriff

CLERK'S RETURN

I hereby acknowledge and accept service of the within summons and receive copy of same, this

_____ day of _____, 20_____.

Defendant

Circuit Court Clerk

By: _____ D.C.

Notice to Defendant(s)

Tennessee law provides a ten thousand (\$10,000) personal property exemption from execution or seizure to satisfy a judgment. If a judgement should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel; family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

STATE OF TENNESSEE, IN THE CIRCUIT COURT FOR MARION COUNTY

COURTNEIGH BECKHAM,

Plaintiff,

v.

DAYTON FREIGHT LINES, INC.,

Defendant.

Docket Number: 22-22

JURY DEMAND

FILED
LONNA HENDERSON
CIRCUIT COURT
2022 MAY 27
AM 9:45

COMPLAINT FOR DAMAGES

COMES NOW, Courtneigh Beckham (Plaintiff), by and through counsel and brings this complaint against Dayton Freight Lines, Inc. (Defendant), for recovery of lawful damages arising out of an automobile collision which occurred in Jasper, Tennessee, on May 21, 2021. As grounds, Plaintiff alleges:

1. Plaintiff is a citizen and resident of Marion County, Tennessee.
2. Upon information and belief, Defendant is an Ohio Corporation registered with the Secretary of State in Tennessee with an address of 6450 Poe Avenue STE 311, Dayton, OH 45414-2647 and registered agent address of CT Corporation, 300 Montvue Rd, Knoxville, TN 37919-5546.
3. Jurisdiction and venue are properly before Circuit Court of Tennessee at Marion County.
4. On or about May 21, 2021, at approximately 16:16 pm, Plaintiff was lawfully traveling Industrial BLVD in Marion County when the Defendant pulled out onto

Industrial Blvd from Plygem an struck the plaintiff's vehicle on the passenger causing a collision.

5. As a direct and proximate result of the impact, Plaintiff suffered personal physical injuries.

6. Plaintiff has been caused to pay or become obligated to pay for necessary medical care and treatment past, present, and future.

COUNT I

NEGLIGENCE, RECKLESSNESS, and WANTONNESS

Plaintiff incorporates herein all preceding paragraphs.

7. Defendant has a duty to exercise due care in the operation of their vehicle on the roadways of Tennessee, and to exercise due care for the safety of the driving public and public at large. Defendant's breach of duty directly and proximately caused injuries to Plaintiff.

8. Defendant is guilty of the following acts of negligence, which caused or contributed to the cause of Plaintiff's injuries and damages:

(a) Failure to maintain a proper look out.

(b) Failure to maintain their vehicle under proper control.

(c) Operation of their vehicle in a careless and reckless disregard for the safety of other users of the road and highways.

(d) Failure to devote full time and attention to the driving and operation of said vehicle in order to prevent a collision with another vehicle.

(e) Failure to bring their vehicle under control and stop the same when there was sufficient time or distance for them to do so before striking Plaintiff's vehicle.

(f) Failure to change or deviate their course of travel when they knew of or should have known, in the exercise of due care, that a collision was imminent.

(g) Driving distracted.

(h) Failure to yield.

9. Defendant breached their duty to Plaintiff, causing severe injuries, and is thus guilty of negligence.

COUNT II

NEGLIGENCE *PER SE*

Plaintiff incorporates herein all preceding paragraphs.

10. Plaintiff further alleges that the Defendant was guilty of violating the following statutes of the State of Tennessee, which were in effect at the time of the collision, the violation of which is negligence *per se*:

(a) T.C.A. §55-8-103. Required obedience to traffic laws.

(b) T.C.A. § 55-8-136. Drivers to exercise due care.

(c) T.C.A. § 55-8-197. Failure to yield.

(d) T.C.A. § 55-8-109. Obedience to any required traffic-control device.

DAMAGES

Plaintiff incorporates herein all preceding paragraphs.

11. Defendant's Negligence/Recklessness/Wantonness and Negligence *per se* as alleged in averments 1 through 10 above directly and proximately caused physical and

financial injuries to Plaintiff. As a result of the incident which is the subject of this action, Plaintiff has suffered and seeks to recover for the following injuries and

damages:

- (a) Past medical bills;
- (b) Future medical bills;
- (c) Past physical pain and mental anguish;
- (d) Future physical pain and mental anguish;
- (e) Past and future inability to enjoy the normal pleasures of life;
- (f) All other damages proven at trial to be so entitled.

PRAYER FOR RELIEF

WHEREFORE, as damages, Plaintiff demands judgment against Defendant in the amount of \$74,000.00 to be proven at trial on the merits which will fairly and adequately compensate Plaintiff for injuries and all other damages sustained and all costs incurred in prosecuting this action. Plaintiff demands trial by jury, and Plaintiff demands such other and further relief to which she may prove entitled.

Respectfully submitted,

WETTERMARK & KEITH, LLC



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